

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CURTIS L. BUSH,

Plaintiff,

vs.

MAPES CANOPIES, LLC,

Defendant.

**4:17CV3135**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis ("IFP"). ([Filing No. 9.](#)) Plaintiff also filed a Notice of Change of Address ([Filing No. 10](#)) at the time he filed his IFP motion. Plaintiff was previously an inmate in the Nebraska State Penitentiary ("NSP"), and was granted leave to proceed in forma pauperis pursuant to [28 U.S.C. § 1915\(b\)](#) of the Prison Litigation Reform Act ("PLRA"). (See [Filing No. 8.](#))

As evidenced by his Notice of Change of Address, Plaintiff is no longer incarcerated at NSP. A former prisoner, like Plaintiff, who is released from custody after filing a civil complaint must file an Application for Leave to Proceed IFP based on the changed circumstances caused by his release from prison. The plaintiff has done so. Upon review of the record, the plaintiff's new motion for leave to proceed IFP is granted, and the plaintiff is relieved of any liability for the unpaid balance of the filing fee. See, e.g., [McGann v. Comm'r, Social Security Admin.](#), 96 F.3d 28, 30 (2d Cir. 1996) ("A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.").

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Proceed IFP ([Filing No. 9](#)) is granted.
2. Plaintiff is advised that the next step in his case will be for the court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). The court will conduct this initial review in its normal course of business.

Dated this 26<sup>th</sup> day of December, 2017.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge